

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

GILBERTO RAMOS

v.

CA 12-106 ML

DONALD W. WYATT DETENTION FACILITY,  
U.S. MARSHALS SERVICE,  
BRIAN K. MURPHY

MEMORANDUM AND ORDER

This matter is before the Court on the Report and Recommendation of Magistrate Judge Martin wherein Magistrate Judge Martin recommends that Plaintiff's Application to proceed in forma pauperis be denied and that the action be dismissed without prejudice unless Plaintiff complied with 28 U.S.C. § 1915(a)(2) by providing a certified copy of Plaintiff's inmate trust fund account statement for the 6-month period immediately preceding the filing of the Complaint. Plaintiff has submitted a trust account statement from the institution where he is currently confined. The Court notes that the statement only covers a one-month period from February 7, 2012 to March 5, 2012. More significantly, it appears from that statement that as of March 5, 2012, Plaintiff had sufficient funds in the account to pay the filing fee for this civil action.

Accordingly, Plaintiff's Application to proceed in forma pauperis is DENIED.

SO ORDERED:

/s/ Mary M. Lisi  
Mary M. Lisi  
Chief United States District Judge  
April 19, 2012